

Press Release

For Immediate Release

April 23, 2013

Our society is becoming armed like never before. Hand gun sales are on the rise and ammunition is flying off store shelves. While there is a raging debate on gun control, little is said about the level of firearm education that should go hand-in-hand with this proliferation. It is human nature to learn from experience, but with firearms the lessons from experience are often tragic and carry severe legal consequences. Knowledge should be as powerful as the firearms so readily available and with the recent experience of a local store robbery and shooting comes a learning experience that should be considered by civilians involved with firearms.

Today the Butler County Grand Jury reported that no charges will issue against a local shopkeeper who shot and killed an armed robber. The death of the assailant was a justified homicide and the store owner has the closure of a formal grand jury decision and not just the opinion of a prosecutor. The investigation of the robbery and gun play that resulted in the shooting death of the assailant reveals that the business owner sought justification for his lethal use of a firearm to protect his family against an armed assailant - a justified use under the circumstances - and also his stated purpose to protect his business property. It must be emphasized that the use of deadly force is not permitted as a matter of law in Ohio to protect property where there is no reasonable fear that great bodily harm is at hand. In the Hamilton business incident, the owner indeed had such a fear as evidenced by the assailant brandishing and using a firearm. Protection of property was thus incidental to the fear of great bodily harm, but the public should not be misled to believe that protection of property alone is enough to justify the use of deadly force. This is also not to say that force cannot be used to defend property but, again, when only damage to property is at issue without the threat of great bodily harm, lethal force to protect property is prohibited and may well result in the protector being prosecuted. Forewarned is forearmed.



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